

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHRISTOPHER LEE SIRMONS, JR.,	:	
Petitioner,	:	
	:	No. 1:19-cv-1502
v.	:	
	:	(Judge Kane)
COMMONWEALTH OF	:	
PENNSYLVANIA, <u>et al.</u>,	:	
Respondents	:	

ORDER

AND NOW, on this 9th day of September 2019, in accordance with the Memorandum filed concurrently with this Order, **IT IS ORDERED THAT:**

1. Petitioner's motion for leave to proceed in forma pauperis (Doc. No. 2) is **GRANTED**;
2. Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. No. 1) is **DISMISSED** for lack of jurisdiction pursuant to 28 U.S.C. § 2244(b)(2) without prejudice to Petitioner's right to seek pre-authorization to file a second or successive petition from the United States Court of Appeals for the Third Circuit under 28 U.S.C. § 2244(b)(3);
3. A certificate of appealability **SHALL NOT ISSUE**. See 28 U.S.C. § 2253(c)(2); and
4. The Clerk of Court is directed to **CLOSE** the above-captioned action.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania